

SENATE BILL No. 326

April 14, 2011, Introduced by Senators SCHUITMAKER, MOOLENAAR, NOFS and JONES and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310e (MCL 257.310e), as amended by 2010 PA 268.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310e. (1) Except as otherwise provided in this act, an
2 operator's or chauffeur's license issued to a person who is 17
3 years of age or less shall be in a form as prescribed in section
4 310, and valid only upon the issuance of a graduated driver
5 license.

6 (2) The secretary of state shall designate graduated licensing
7 provisions in a manner that clearly indicates that the person is
8 subject to the appropriate provisions described in this section.

9 (3) Except as otherwise provided in section 303, a person who

1 is not less than 14 years and 9 months of age may be issued a level
2 1 graduated licensing status to operate a motor vehicle if the
3 person has satisfied all of the following conditions:

4 (a) Passed a vision test and met health standards as
5 prescribed by the secretary of state.

6 (b) Successfully completed segment 1 of a driver education
7 course as that term is defined in section 7 of the driver education
8 provider and instructor act, 2006 PA 384, MCL 256.627, including a
9 minimum of 6 hours of on-the-road driving time with the instructor.

10 (c) Received written approval of a parent or legal guardian.

11 (4) A person issued a level 1 graduated licensing status may
12 operate a motor vehicle only when accompanied either by a licensed
13 parent or legal guardian or, with the permission of the parent or
14 legal guardian, a licensed driver 21 years of age or older. Except
15 as otherwise provided in this section, a person is restricted to
16 operating a motor vehicle with a level 1 graduated licensing status
17 for not less than 6 months.

18 (5) A person may be issued a level 2 graduated licensing
19 status to operate a motor vehicle if the person has satisfied all
20 of the following conditions:

21 (a) Had a level 1 graduated licensing status for not less than
22 6 months.

23 (b) Successfully completed segment 2 of a driver education
24 course as that term is defined in section 7 of the driver education
25 provider and instructor act, 2006 PA 384, MCL 256.627.

26 (c) Not incurred a moving violation resulting in a conviction
27 or civil infraction determination or been involved in an accident

1 for which the official police report indicates a moving violation
2 on the part of the person during the 90-day period immediately
3 preceding application.

4 (d) Presented a certification by the parent or guardian that
5 the person, accompanied by his or her licensed parent or legal
6 guardian or, with the permission of the parent or legal guardian,
7 any licensed driver 21 years of age or older, has accumulated a
8 total of not less than 50 hours of behind-the-wheel experience
9 including not less than 10 nighttime hours.

10 (e) Successfully completed a secretary of state approved
11 driving skills test. The secretary of state may enter into an
12 agreement with another public or private corporation or agency to
13 conduct this driving skills test. Before the secretary of state
14 authorizes a person to administer a corporation's or agency's
15 driver skills testing operations or authorizes an examiner to
16 conduct a driving skills test, that person or examiner must
17 complete both a state and federal bureau of investigation
18 fingerprint based criminal history check through the department of
19 state police. This subdivision applies to a person 16 years of age
20 or over only if the person has satisfied subdivisions (a), (b),
21 (c), and (d).

22 (6) A person issued a level 2 graduated licensing status under
23 subsection (5) shall remain at level 2 for not less than 6 months.
24 ~~and shall not operate a motor vehicle within this state from 10~~
25 ~~p.m. to 5 a.m. unless accompanied by a parent or legal guardian or~~
26 ~~a licensed driver over the age of 21 designated by the parent or~~
27 ~~legal guardian, or except when going to or from employment. A~~

1 person issued a level 2 graduated licensing status under subsection
 2 (5) shall not ~~, during the entire period of his or her level 2~~
 3 ~~graduated licensing status, operate a motor vehicle carrying more~~
 4 ~~than 1 passenger who is less than 21 years of age except as~~
 5 ~~follows:~~

6 ~~— (a) The passengers less than 21 years of age are members of~~
 7 ~~his or her immediate family.~~

8 ~~— (b) The person is traveling to or from school or a school-~~
 9 ~~sanctioned event.~~ OPERATE A VEHICLE UNDER THE FOLLOWING

10 CIRCUMSTANCES:

11 (A) BETWEEN THE HOURS OF 10 P.M. AND 5 A.M. THIS SUBDIVISION
 12 DOES NOT APPLY IF EITHER OF THE FOLLOWING APPLIES:

13 (i) THE PERSON IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN OR
 14 A LICENSED DRIVER 21 YEARS OF AGE OR OLDER DESIGNATED BY THE PARENT
 15 OR LEGAL GUARDIAN.

16 (ii) THE PERSON IS GOING TO OR FROM SCHOOL OR A SCHOOL-
 17 SANCTIONED EVENT OR IS OPERATING A VEHICLE IN THE COURSE OF HIS OR
 18 HER EMPLOYMENT OR WHILE GOING TO OR FROM EMPLOYMENT.

19 (B) WITH MORE THAN 1 PASSENGER IN THE VEHICLE WHO IS LESS THAN
 20 21 YEARS OF AGE. THIS SUBDIVISION DOES NOT APPLY IF ANY OF THE
 21 FOLLOWING APPLY:

22 (i) THE PERSON IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN OR
 23 A LICENSED DRIVER 21 YEARS OF AGE OR OLDER DESIGNATED BY THE PARENT
 24 OR LEGAL GUARDIAN.

25 (ii) THE PASSENGERS WHO ARE LESS THAN 21 YEARS OF AGE ARE
 26 MEMBERS OF HIS OR HER IMMEDIATE FAMILY.

27 (iii) THE PERSON IS GOING TO OR FROM SCHOOL OR A SCHOOL-

1 **SANCTIONED EVENT OR IS OPERATING A VEHICLE IN THE COURSE OF HIS OR**
2 **HER EMPLOYMENT OR WHILE GOING TO OR FROM EMPLOYMENT.**

3 (7) The provisions and provisional period described in
4 subsection (4) or (6) shall be expanded or extended, or both,
5 beyond the periods described in subsection (4) or (6) if any of the
6 following occur and are recorded on the licensee's driving record
7 during the provisional periods described in subsection (4) or (6)
8 or any additional periods imposed under this subsection:

9 (a) A moving violation resulting in a conviction, civil
10 infraction determination, or probate court disposition.

11 (b) An accident for which the official police report indicates
12 a moving violation on the part of the licensee.

13 (c) A license suspension for a reason other than a mental or
14 physical disability.

15 (d) A violation of subsection (4) or (6).

16 (8) The provisional period described in subsection (4) shall
17 be extended under subsection (7) until the licensee completes 90
18 consecutive days without a moving violation, an accident in which a
19 moving violation resulted, accident, suspension, or provisional
20 period violation listed in subsection (7), or until age 18,
21 whichever occurs first. The provisional period described in
22 subsection (6) shall be extended under subsection (7) until the
23 licensee completes 12 consecutive months without a moving
24 violation, accident, suspension, or restricted period violation
25 listed in subsection (7) or until age 18, whichever occurs first.

26 (9) A person who is not less than 17 years of age may be
27 issued a level 3 graduated licensing status under this subsection

1 if the person has completed 12 consecutive months without a moving
2 violation, an accident in which a moving violation resulted,
3 accident, suspension, or restricted period violation listed in
4 subsection (7) while the person was issued a level 2 graduated
5 licensing status under subsection (5).

6 (10) Notice shall be given by first-class mail to the last
7 known address of a licensee if the provisions are expanded or
8 extended as described in subsection (7).

9 (11) A person who violates subsection (4) or (6) is
10 responsible for a civil infraction.

11 (12) If a person is determined responsible for a violation of
12 subsection (4) or (6), the secretary of state shall send written
13 notification of any conviction or moving violation to a designated
14 parent or guardian of the person.

15 (13) For purposes of this section:

16 (a) Upon conviction for a moving violation, the date of the
17 arrest for the violation shall be used in determining whether the
18 conviction occurred within a provisional licensure period under
19 this section.

20 (b) Upon entry of a civil infraction determination for a
21 moving violation, the date of issuance of a citation for a civil
22 infraction shall be used in determining whether the civil
23 infraction determination occurred within a provisional licensure
24 period under this section.

25 (c) The date of the official police report shall be used in
26 determining whether a licensee was driving a motor vehicle involved
27 in an accident for which the official police report indicates a

1 moving violation on the part of the licensee or indicates the
2 licensee had been drinking alcoholic liquor.

3 (14) A person shall have his or her graduated licensing status
4 in his or her immediate possession at all times when operating a
5 motor vehicle, and shall display the card upon demand of a police
6 officer. A person who violates this subsection is responsible for a
7 civil infraction.